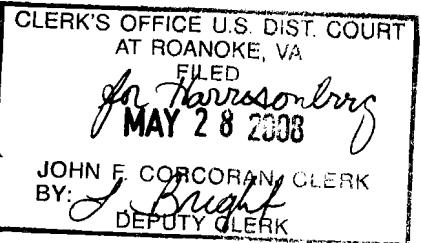


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION



ALBERT E. SOUTHERLY, )  
Plaintiff, ) Civil Action No. 5:07CV00033  
v. ) FINAL ORDER  
MICHAEL J. ASTRUE, ) By: Samuel G. Wilson  
Commissioner of Social Security, ) United States District Judge  
Defendant. )

This case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable James G. Welsh, United States Magistrate Judge. The Magistrate Judge has filed a report recommending that an order be entered denying the Commissioner's motion for summary judgment, vacating the decision of the Commissioner, and remanding the case to the Commissioner for further proceedings and reconsideration in a manner consistent with the report. Objections to the report and recommendation have been filed, and the court, upon review of the record, is of the opinion that the report should be adopted. Accordingly, it is **ORDERED** and **ADJUDGED** that the final decision of the Commissioner is **VACATED**, the case is **REMANDED** to the Commissioner for further proceedings and reconsideration in a manner consistent with the report and recommendation and with the parties having the opportunity to introduce such additional evidence as they may desire, and this case is **ORDERED** stricken from the docket of the court.

ENTER: This May 27, 2008.

UNITED STATES DISTRICT JUDGE